UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

United States of America,

Plaintiff,

Case:2:17-cr-20095 Judge: Cleland, Robert H.

MJ. Majzoub, Mona K. Filed: 02-15-2017 At 03:55 PM

INFO USA V. KAUTEN (LH)

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VIO: 18 U.S.C. § 2252A(a)(2)

18 U.S.C. § 2252A(a)(5)(B)

Daniel John Kauten

Defendant.

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE

18 U.S.C. § 2252A(a)(2) Receipt of child pornography

On or about and between October 11, 2013 and April 23, 2014, both dates being approximate and inclusive, within the Eastern District of Michigan and elsewhere, the defendant, Daniel John KAUTEN, knowingly received child pornography as defined in 18 U.S.C. § 2256(8)(A), that is, visual depictions of sexually explicit conduct that involved prepubescent minors and minors who had not attained 12 years of age; and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or

foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT TWO

18 U.S.C. § 2252A(a)(5)(B) Possession of Child Pornography

On or about and between October 11, 2013 and April 23, 2014, both dates being approximate and inclusive, within the Eastern District of Michigan and elsewhere, the defendant, Daniel John KAUTEN, knowingly possessed material that contained an image of child pornography, as defined in 18 U.S.C. § 2256(8)(A), that is, visual depictions of sexually explicit conduct that involved prepubescent minors and minors who had not attained 12 years of age; and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, all in violation of 18 U.S.C. § 2252A(a)(5)(B).

FORFEITURE ALLEGATIONS

18 U.S.C. §2253; 28 U.S.C. § 2461(c) Criminal Forfeiture

The allegations contained in Counts One and Two of this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture

pursuant to Title 18, United States Code, Section 2253, and Title 28 United States Code, Section 2461(c).

Upon conviction of either of the offenses charged in Counts One and Two of the Information, defendant shall, pursuant to Title 18, United States Code, Section 2253, forfeit to the United States the following:

- a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and
- c) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property.

If any of the property subject to forfeiture pursuant to Title 18, United States Code, Section 2253, and Title 28 United States Code, Section 2461(c), as a result of any act or omission of the defendant--

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred to, sold to, or deposited with a third party;
- c) has been placed beyond the jurisdiction of this Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty;

the United States of America intends to seek forfeiture of all other property of the defendant up to the value of forfeiture applicable in this case pursuant to Title 21,

United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

BARBARA L. McQUADE United States Attorney

s/Matthew Roth

MATTHEW A. ROTH Chief, General Crimes Unit Assistant United States Attorney 211 W. Fort St., Suite 2001 Detroit, MI 48226 (313) 226-9186 matthew.roth2@usdoj.gov

Dated: February 6, 2017

s/Hank Moon

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Eastern District of Michigan	1
NOTE: It is the responsibility of the Assistant U.S. Attorney signi	ng this form to complete it accurately in all respects.
Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.1	0 (b)(4)1: Judge Assigned:
□ Yes ⊠ No	AUSA's Initials: Hew
Case Title: USA v. Daniel John Kaute	n
County where offense occurred : Ma	icomb
Check One: ⊠Felony	☐ Misdemeanor ☐ Petty
Indictment/Information	no prior complaint. based upon prior complaint [Case number: based upon LCrR 57.10 (d) [Complete Superseding section below].
Superseding Case Information	
Superseding to Case No:	Judge:
☐ Corrects errors; no additional charg ☐ Involves, for plea purposes, differer ☐ Embraces same subject matter but	es or defendants. It charges or adds counts. adds the additional defendants or charges below:
Defendant name	Charges Prior Complaint (if applicable)
Daniel John Kauten	18 U.S.C. 2252A(a)(2) 18 U.S.C. 2252A(a)(5)(B)
Please take notice that the below listed As	sistant United States Attorney is the attorney of record for
the above captioned case.	
February 15, 2017	
Date	Hank Moon Assistant United States Attorney 211 W. Fort Street, Suite 2001 Detroit, MI 48226-3277 Phone: 313-226-220

E-Mail address: hank.moon@usdoj.gov Attorney Bar #: DC 1026010

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.